

THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 241 OF 2017.

Golden Globe Hotels Private
Limited,
having Corporate Office
at S.C.O 2, 3, 4 Old Judicial Complex,
Jharasa Road, Gurgaon – 122 001,
represented herein by its authorized
Signatory Mr. Amit Garg, aged 28 years,
bachelor, Indian National, having Office
at S.C.O., 2, 3, 4, Old Judicial Complex,
Jharasa Road, Gurgaon – 122 001.

..... Petitioner

Vs.

STATE OF GOA,
through Under Secretary (Home),
Home Department (General), having
Office at Secretariat, Porvorim,
Goa.

.... Respondent

Mr. S.G. Desai, Senior Advocate with Adv. Shivan Desai for the Petitioner.
Mr. S. D. Lotlikar, Advocate General with Mr. D. Lawande, Addl. Advocate
General the Respondents.

**CORAM: ANOOP V. MOHTA &
C. V. BHADANG, JJ.
DATE: 8TH March, 2017.**

ORAL ORDER:

Heard the counsel for parties. The petitioner has prayed to pass appropriate orders by commanding the respondent to grant application for renewal of licence dated 4/7/2016 filed by the petitioner and all the connected applications in relation thereto forthwith, as all the necessary compliance

including that of deposit of the requisite fees have already been paid by 4th, 7th/10/2016 itself. Such application for renewal by the concerned respondent party/licensing authority requires to be dealt with in accordance with law. However, for the reasons so disclosed in the Affidavit and as the conduct shows that for want of “Model Code of Conduct”, though the petitioner is otherwise eligible for licence, the concerned respondents are not renewing the same. This is also by overlooking the specific order passed by this Court dated 9/1/2017 whereby it was directed that the respondent should grant the renewal licence within 4 weeks from the date of the order. The petitioner requested through the various communications to grant the same, but in vain. Now the reason reflected even in the Affidavit dated 8/3/2017 is again contrary to the order passed by this Court on 9/1/2017 and also the order dated 1/5/2007 passed by the Division Bench in *Suo Motu Writ Petition no.2/2006* whereby it is specifically observed as under:

“We find that the directions contained in paragraph 3 of the Order dated 2nd April, 2007 have not been complied with till date. There seems to be some misconception with some officers of the State Government relating to compliance of the orders of this Court after the elections are announced. Whatever be the misconception, we make it clear that the orders of this Court shall be complied with notwithstanding the Code of Conduct or announcement of the elections.”

3. The counsel appearing for the parties have conceded to the position of

the orders of this Court as there is no justification to overlook the specific order dated 1/5/2007 passed by this Court, even in similarly placed circumstances. The learned counsel appearing for the petitioner pointed out that even all these orders were shown to the authorities but the respondents failed to take action under the guise of “Model Code of Conduct”.

4. Therefore taking overall view of the matter, we are inclined to grant prayer clauses (a) and (b). It should be complied within 24 hours, as statement is also made by the learned Advocate General that except the “Model Code of Conduct” question there is no other objection and as the petitioner is otherwise entitled for renewal of the licence in question.

5. The petition is allowed in terms of prayer clauses (a) and (b). It is made clear that this order should be complied within 24 hours.

6. Parties to act on the basis of an authenticated copy of this order.

Ap/ C. V. BHADANG, J ANOOP V. MOHTA, J.